

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA

v.

JUAN CARLOS ROJAS-LIRA,
DAVID ROMERO-FLORES,
SILVESTRE ROMERO-REYES,

Defendants.

CRIMINAL CASE NO.

1:12-CR-00085-AT-JFK

REPORT AND RECOMMENDATION

Pending before the court is Defendant David Romero-Flores' motion [Doc. 36] for a severance from the trial of co-Defendant Juan Carlos Rojas-Lira. Defendant contends that Defendant Rojas-Lira's post-arrest statement to law enforcement officers incriminates Defendant Romero-Flores in the conduct charged in the indictment requiring a severance pursuant to Bruton v. United States, 88 S. Ct. 1620 (1968). [Id.]. In response to the motion for severance, the Government concedes that the statement provided by Defendant Rojas-Lira is inculpatory as to Defendant Romero-Flores, that the statement cannot be redacted so as to eliminate directly implicating Defendant in the charged criminal conduct, and that a joint trial of the Defendants will run afoul of the protections established by the Supreme Court in Bruton. [Doc. 40]. Accordingly,


the Government agrees with Defendant that a separate trial of these Defendants is necessary. [Id. at 5].

Based on the representations by the Government and it's agreement that a severance will be necessary should both Defendants proceed to trial, the court **RECOMMENDS** that Defendant's motion [Doc. 36] for severance be **GRANTED**.

There are no other pending matters before the Magistrate Judge, and the undersigned is aware of no problems relating to the scheduling of this case.

IT IS THEREFORE ORDERED and **ADJUDGED** that this action be and the same is hereby, declared Ready for Trial as to all Defendants.

SO RECOMMENDED AND ORDERED THIS 26TH DAY OF JUNE, 2012.



JANET F. KING
UNITED STATES MAGISTRATE JUDGE